

Daily Democrat.

TERMS OF THE DAILY DEMOCRAT TO THE COUNTRY. ONE YEAR, \$6.00. SIX MONTHS, \$3.50. THREE MONTHS, \$2.00. SINGLE COPIES, 10 CENTS.

LOCAL AGENTS WANTED. We desire to procure the services of a local agent in every Southern State in the Union. Will our friends or acquaintances be so kind as to call on our behalf? Believing that the circulation of the Democrat may be materially extended, we make this appeal to our friends in the South.

Yesterday gave the opinions of one of the most distinguished statesmen of the South. Revolutionary era upon the subject of martial law. In our today's issue we propose to collate all the different articles in the Constitution bearing upon the crime of treason, under which this martial law is declared, and, by an examination, see if the President is authorized to affix any such penalty as he has declared in his proclamation.

Our readers will bear in mind, that this proclamation is in its very nature a law. If we grant the authority to issue it, it certainly ought to spring from that branch of the Government upon which legislative authority is conferred. Understand us, we do not mean that a soldier or the President may not have it in his power to proclaim martial law in particular localities, but this is a sweeping edict, intended to have all the legal force and effect of a regularly adopted enactment. Its effects are not, as martial law is intended to be, as much as possible, temporary, but permanent. It is to be the same as if, by constitutional consent of the States, all the slaves in the named territory were emancipated. We contend that herein it is a violation of Article First, section first, of the Constitution, which declares:

"All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

It is a law—and it seems absurd to deny it—then the President has usurped the powers of Congress. He is emphatically the Executive, whose business is not to make laws, but to execute those already made. Unless these two powers of legislation and execution be kept separate, it will lead to inevitable confusion.

The President, as the head of the nation, is punishable for treason, first, according to the following article:

ART. 2—SEC. 1—"The President, Vice-President and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

ART. 1—SEC. 4—"The Senate shall have power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present."

ART. 2—SEC. 4—"The President, Vice-President and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

ART. 1—SEC. 3—"Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses, or on confession in open court."

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ask if they are not first bound to prosecute its owners to conviction, before a jury, according to article sixth of the amendments, and has it been done? What jury has ever tried them, what witnesses have been produced against them, or what witnesses have been called in their favor? Have they not been declared, not only without law, but against the forms of the law, guilty, and punished accordingly? Will we not do to while it off with, oh! they are all rebels, anyhow, and deserve it. There are many, very many, loyal men in the South who have yielded to the rebellion, not from any desire to break up the Union, but because the government failed to give them that protection to which they were entitled. Are they to be punished for the failure of the government to do its duty, to be robbed by the rebels, and then robbed by the United States? Upon what principle can we ever expect them to be restored to loyalty upon such terms? If they are innocent, as we firmly believe the majority of them are, we should be careful not to be misled by the few traitors who are not entitled by article fifth of the amendments to compensation for the losses they sustain by Mr. Lincoln's acts?

Let us proceed a step further. We have hitherto argued that if they were proved guilty, the punishment was just and constitutional; only objecting that no such proof required by the Constitution has been made. We now deny most emphatically, even if the President had such authority, and the required proof under forms of the law was given, that any such edict is not only unconstitutional, but a violation of the Constitution. It is a law—and it seems absurd to deny it—then the President has usurped the powers of Congress. He is emphatically the Executive, whose business is not to make laws, but to execute those already made. Unless these two powers of legislation and execution be kept separate, it will lead to inevitable confusion.

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An Appeal.

It will be seen that the Philadelphia have, with laudable promptitude, taken steps to aid in alleviating the sufferings of the wounded in the late terrible battle at Murfreesboro. We do not regret that there has yet been no concerted effort on our city for the accomplishment of a like purpose. This is mortifying, but there is yet ample time to do all that is necessary. Will the ladies, remembering those noble Kentucky heroes, so many of whom have fallen in the late contest, take immediate steps to see that they are attended to, and properly furnished with everything necessary to alleviate their sufferings? We know that we have but to mention this, to draw out all the active sympathy of our people. A meeting should be held, committees and managers appointed, and everything else that can be done in aid of an object so noble. It is a debt we owe to them, and one we should be proud to pay. Let us have the meeting called at once and the proper steps be taken.

It will be remembered that the letter of McClellan to Porter, exhorting him to give a cordial answer to General Pope, was a subject of ill-natured comment in certain quarters unfriendly to both officers. Why did McClellan write that letter, if he had not some misgiving about it? It was, moreover, impertinent in McClellan.

Why did he write that letter? We told them along ago to ask Mr. Lincoln, and he would explain it. Here is a part of McClellan's testimony in the Porter case:

A—I did. [The dispatch alluded to is the one sent by Gen. McClellan to General Porter Sept. 1, 1862, urging the latter to do all in his power to assist Gen. Pope.]

Q—As you have already stated that you understood that there was an unkind feeling on the part of the Army of the Potomac toward Gen. Pope, and requested me to use my personal influence to correct it, would you not say that you were not in any way connected with the dispatch?

A—I am not in any way connected with the dispatch. I am not in any way connected with the dispatch. I am not in any way connected with the dispatch.

Q—I understand you to say, then, that you sent the telegram to quiet the apprehensions of the President, and not to remove any apprehensions of your own?

A—Entirely so.

There is the explanation. Are the enemies of McClellan satisfied with it?

General Porter, did the right to complain, if any one had, but he knew that McClellan's reason could be nothing to his discredit, and others might have known that McClellan had some reason not at all discreditable to his friend. He knew Porter well, and Porter knew him.

In reading of the victory at Murfreesboro, one cannot but be struck with the tremendous expense with which it has been achieved. Our losses in killed, wounded and prisoners ran up the enormous figure of 14,500, or nearly one-third of all our forces engaged. Such an extraordinary loss is perfectly unparalleled in the annals of warfare, and the desperate valor of our troops, who succeeded in winning a victory under such circumstances, is, with its results, perfectly astounding.

If an army ever could be called invincible, that of Rosecrans certainly deserves the name. Fighting a partially entrenched enemy, superior in numbers, with a river to cross, and winning, is certainly an achievement which covers with glory every soldier in the army.

There is some question whether, after such losses, Rosecrans will be able to pursue the enemy, but we think their need be none. It must be remembered that Rosecrans was compelled to leave a large force to protect Nashville and the Nashville road. Since the defeat of the rebel army and the rise of the Cumberland, the greater part of these can be dispensed with. We suppose he can add twenty-five thousand more to his army, making it, in all, 55,000, or ten thousand more than he had in the battle. With these he will be able to completely finish Bragg.

The President's message contains a hypocritical injunction to the slaves, declaring that "the war is not for the purpose of declaring to be free, to obtain from all violence, unnecessary sacrifice for self-defense. We suppose if a negro was insolent and idle, and his master was to threaten him for it, Mr. Lincoln would be considered as exhorting him to murder his master."

The exhortation itself to abstain from violence, if his proclamation was effectual, would be a part with the "Pop's" ball against the "comet," to use the President's own expressive figure. Most people have heard the story of the cruel war, as Irish story, who, witnessing from his room, in old Trinity, the duel of a Proctor in one of the college tanks, cried out, with the gravest air imaginable, "Boys, don't nail his ears to the pump!" This is a short story, and the President's exhortation suggests the violence it pretends to deplore.

The President recommends them, "in all cases where allowed," to "labor faithfully for reasonable wages." Bush! What is this recommendation worth? Why should they work? Are they not entitled by law to rations and clothing, without work, and who ever heard of a negro's working when there was no necessity for it?

Brief and to the point, from the New York World:

"One word too dead upon another's heels."

"The President has signed the bill constituting the State of West Virginia. It is needless to say that this fact neither adds to nor takes from the number of States constituting the Union. The attempt to erect a State of West Virginia is simply unconstitutional, and the State itself a fiction. The Presidential signature is simply an executive endorsement of legislative madness. It is simply an endorsement of the proclamation of emancipation in cumulative testimony to the abandonment by the Government at Washington of all that is distinctive in our national policy, of all that is sacred in our national traditions. It is a fresh insult to the past—a fresh perplexity in the present—a fresh peril for the future."

The present Administration is piling up rubbish in the way of a restoration of the Union, which the real Union party will have to remove hereafter. It will be a serious task. We have now a State made out of part of Virginia, regardless of the Constitution. A court must, of necessity, pronounce the act of Congress null and void.

Under the Constitution, the State of Virginia is just what it was before. This act acknowledges the right of secession and sustains it. The assumptions made to make a show of loyalty are too palpable to cheat anybody.

Western Virginia set up an organization of her own, as a provisional measure, may be defended; but that it was the State of Virginia, is an absurdity beyond a simple.

Col. Whitaker—A report was in the Gazette, Monday, that Col. Whitaker was dead. The error arose from a fault in punctuation. The announcement was of the killed in Whitaker's regiment, and his name was unfortunately included in the list. Col. Whitaker was well and unhurt at the last account.

The Congressional Convention of the Republican party in New Hampshire say not a word about the emancipation programme of the President. They dare not shudder it.

A Washington special suggests that Butler is to take Stanton's place, and Fremont Halleck's; but the telegraph yesterday assigns another duty to Butler, perhaps better suited to his peculiar genius. He is to organize negro brigades.

We insist that he be assigned to that duty. He has our recommendation to the post. It is fit that the ally of the Disunionists when they needed help to start this iniquitous rebellion should now be the officer to muster slaves into the service against them. It is advisable in another respect. There is not much danger in Butler, except his friends.

We look with a good deal of interest to the forthcoming message of Governor Seymour of New York. His inaugural address is a model. It is the best we ever read, and the shortest. He wastes no words; but the brevity and emphasis are significant. A great man that same Seymour.

While our Generals and their brave armies are doing the real work for the Union, it is a sad reflection that the politicians and Disunionists at Washington are contracting the effect of victories, and adding every day to the strength of the rebellion.

We present to our readers to-day carefully prepared tables from the Philadelphia Press, giving a full chronology of all the important events that have transpired in the year which expired December 31st, 1862. We will publish the monthly events daily, until they have all been completed.

THE WAR FOR THE REBELLION.

1. Mason and Slidell leave Fort Warren for England in the ship, the *Trent*. Gen. Stevens' brigade of 4,500 men advanced on the mainland from Fort Royal and within six miles of the Charleston railroad, capturing the *Cassawar* battery. Union loss, eight wounded.

2. A detachment from Gen. Milroy's command, 740 strong, attacked 500 rebels at Huntersville, Va., routing them and taking \$30,000 worth of stores.

3. Gen. Jackson, with 10,000 men, attacks the 5th Connecticut Regiment at Hancock, on the Upper Potomac, shells the town, destroys the railroad and telegraph, and retires.

4. Gen. Crittenden issues a proclamation to the people of Kentucky calling upon them to resist the Federal army. He declares that the Indians are attacked in Cherokee county, Kansas, by a greater force of Texas and rebel Indians, and that the Federal army is being threatened by Col. Garfield, disbanded his force at Palmito, Tex.

5. A detachment from Gen. Milroy's command, 300 strong, disperse 400 rebels in the county of Va., capturing a large quantity of stores.

6. A detachment of Gen. Kelly's troops leave Romney, attack 3,000 rebels at Blue Gap, Va., and rout them. 450 Union troops, under Palmer, attack the rebels, and drive them back to Silver Creek, Mo., and rout them.

7. A detachment from Gen. Milroy's command, 300 strong, disperse 400 rebels in the county of Va., capturing a large quantity of stores.

8. The rebels, under Jackson, occupy Romney. Gen. Grant's expedition of 23 regiments and 7 batteries departs southwardly from Cairo. Burnside's expedition arrives at Fort Monroe. Humphrey Marshall's raiding party departs from New Market, Va., and captures the town of New Market, Va.

9. Naval engagement on the Mississippi between the Union steamers Essex and St. Louis and four rebel steamers, in which the Union forces were victorious. The rebels were captured and their batteries at Columbus.

10. The Burnside expedition, comprising 135 vessels, sailed from Hampton Roads for North Carolina. Hon. Simon Cameron resigned his position as Secretary of War, and was succeeded by Edwin M. Stanton.

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From Yesterday's "Evening News."

THE WOUNDED AT MURFREESBORO.—We learn by a dispatch from Philadelphia that a detachment from that city is now en route for this city to minister to the wounded generally in the recent terrible battle at Murfreesboro. The committee consists of J. S. Cummings, Chairman, Deputy, Alex. Dunn, A. P. Thompson, Edgar M. Mason, James A. Moss, Samuel M. Butler, D. H. Thomas, Joshua Reynolds.

In addition to this there is a special committee appointed by the friends of the Anderson Troop, consisting of the following gentlemen:

John C. Brown, John C. Sullivan, N. Ramsey.

It is a pleasure for us to record the promptness with which the good old Quaker City has responded to the cry of agony which has gone forth from the bloody field, and they will be aided with the blessings of many sufferers and their families. It is a noble example, which will doubtless be followed by other cities throughout the country.

A SKIRMISH.—A squad of cavalry and some infantry were out scouting last evening, about dark, when they drew up in line of battle before two old farm-houses of ill-repute up town. The infantry were posted in front, who surprised the enemy by sending a volley of brickbats, stones, &c., through the windows and doors of the fortifications. In a few moments the cavalry were dismounted, and the engagement became general. The fortifications were stormed and taken; but no prisoners were captured. A large amount of elms, washboards, bedding, and household furniture generally fell into the hands of the victors. The Provost Guard arrived in the morning to relieve us.

Edgar M. Mason, John C. Sullivan, N. Ramsey.

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A SKIRMISH.—A squad of cavalry and some infantry were out scouting last evening, about dark, when they drew

on Jails, &c.,
Green street, opposite the Custom House,
LOUISVILLE, KY.
Lightning Rods put up to order. 1725 dtf